

# Exhibit A

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**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA**

AMALIA DEEL and MICHAEL  
DEEL, individually and as successors-  
in-interest to TYLER DEEL, deceased;

Plaintiffs,

vs.

COUNTY OF FRESNO; JEROD  
NORTH; and DOES 1-10, inclusive,

Defendants.

Case No. 1:24-cv-00885-KES-EPG

**[PROPOSED] FIRST AMENDED  
COMPLAINT FOR DAMAGES**

1. Fourth Amendment—Excessive Force (42 U.S.C. § 1983)
2. Fourth Amendment—Denial of Medical Care (42 U.S.C. § 1983)
3. Fourteenth Amendment—Substantive Due Process (42 U.S.C. § 1983)
4. Americans With Disabilities Act (42 U.S.C. § 12132)
5. Battery (Survival and Wrongful Death)
6. Negligence (Survival and Wrongful Death)
7. Violation of Cal. Civil Code § 52.1

**DEMAND FOR JURY TRIAL**

1 **COMPLAINT FOR DAMAGES**

2 Come now Plaintiffs AMALIA DEEL and MICHAEL DEEL individually  
3 and as successors-in-interest to TYLER DEEL, Deceased; for their Complaint  
4 against Defendants FRESNO COUNTY, JEROD NORTH, and DOES 1-10,  
5 inclusive, allege as follows:

6 **JURISDICTION AND VENUE**

7 1. This complaint seeks damages and attorney's fees pursuant to Title 42  
8 U.S.C. sections 1983 and 1988, for the violation of plaintiffs' civil rights.  
9 Jurisdiction is founded upon Title 28 U.S.C. sections 1331 and 1343. This court has  
10 supplemental jurisdiction over plaintiffs' state law claims pursuant to 28 U.S.C.  
11 section 1367.

12 2. All of the conduct described herein occurred within the County of  
13 Fresno, California. Venue lies in the Eastern District of California pursuant to 28  
14 U.S.C. section 1391(b)(2).

15  
16 **INTRODUCTION**

17 3. This civil rights and state tort action seeks compensatory and punitive  
18 damages from Defendants for violating various rights under the United States  
19 Constitution and state law in connection with the fatal Fresno County Sheriffs'  
20 Department deputy-involved shooting of Tyler Deel on June 30, 2023.

21 **PARTIES**

22 4. At all relevant times, Decedent TYLER DEEL ("DECEDENT") was an  
23 individual residing in the County of Fresno, California.

24 5. Plaintiff AMALIA DEEL is an individual residing in the City of  
25 Fresno, County of Fresno, California. AMALIA DEEL is the mother of  
26 DECEDENT and sues in her individual capacity and as successor-in-interest to  
27  
28

1 DECEDENT. AMALIA DEEL seeks survival damages, wrongful death damages,  
2 compensatory damages and punitive damages under federal and state law.

3 6. Plaintiff MICHAEL DEEL is an individual residing in the City of  
4 Fresno, in the County of Fresno, California. MICHAEL DEEL is the father of  
5 DECEDENT and sues in his individual capacity and as successor-in-interest to  
6 DECEDENT. MICHAEL DEEL seeks survival damages, wrongful death damages,  
7 compensatory damages, and punitive damages under federal and state law.

8 7. At all relevant times, Defendant COUNTY OF FRESNO  
9 (“COUNTY”) is and was a duly organized public entity existing under the laws of  
10 the State of California. COUNTY is and was responsible for the actions, omissions,  
11 policies, procedures, practices and customs of its various agents and agencies,  
12 including the FRESNO COUNTY SHERIFF’S DEPARTMENT (“FCSD”) and its  
13 agents and employees. At all relevant times, Defendant COUNTY is and was  
14 responsible for the management and overseeing of the FCSD, for the actions or  
15 inactions of the Defendants DOES 1-10, and for the policies, practices, and/or  
16 customs relating to the FCSD and its officers. At all relevant times, COUNTY was  
17 the employer of Defendants DOES 1-10.

18 8. At all relevant times, Defendants JEROD NORTH and DOES 1-7,  
19 inclusive (collectively “DEPUTY DEFENDANTS”) were duly appointed by  
20 COUNTY as FCSD officers and employees or agents of COUNTY, subject to  
21 oversight and supervision by COUNTY’s elected and non-elected officials.  
22 Defendant JEROD NORTH and DOES 1-7 acted under color of law within the  
23 course and scope of their duties as officers for the FCSD. At all relevant times,  
24 DEPUTY DEFENDANTS Defendant JEROD NORTH and DOES 1-7 were acting  
25 within the complete authority and ratification of their principal, Defendant  
26 COUNTY.

1       9. At all relevant times, Defendants DOES 8-10 are managerial,  
2 supervisorial, and policymaking employees of the COUNTY, who were acting  
3 under color of law within the course and scope of their duties as managerial,  
4 supervisorial, and policymaking employees for the FCSD and the COUNTY.  
5 DOES 8-10 were acting with the complete authority and ratification of their  
6 principal, Defendant COUNTY.

7       10. In doing the acts and failing and omitting to act as hereinafter  
8 described, Defendants JEROD NORTH and DOES 1-10 were acting on the implied  
9 and actual permission and consent of Defendant COUNTY.

10       11. On information and belief, Defendants JEROD NORTH and DOES 1-  
11 10 are residents of the County of FRESNO.

12       12. Defendants JEROD NORTH and DOES 1-10 are sued in their  
13 individual capacities.

14       13. The true names and capacities of DOES 1-10 are unknown to Plaintiffs,  
15 who otherwise sue these Defendants by such fictitious names. Plaintiffs will seek  
16 leave to amend this Complaint to show the true names and capacities of the  
17 Defendants when they have been ascertained. Each of the fictitiously named  
18 Defendants is responsible in some manner for the conduct or liabilities alleged  
19 herein.

20       14. At all times mentioned herein, each and every defendant was the agent  
21 of each and every other defendant and had the legal duty to oversee and supervise  
22 the hiring, conduct, and employment of each and every defendant.

23       15. All of the acts complained of herein by Plaintiffs against Defendants  
24 were done and performed by said Defendants by and through their authorized  
25 agents, servants, and/or employees, all of whom at all relevant times herein were  
26 acting within the course, purpose, and scope of said agency, service, and/or  
27  
28

1 employment capacity. Moreover, Defendants and their agents ratified all of the acts  
2 complained of herein.

3 16. On December 28, 2023 Plaintiffs filed comprehensive and timely  
4 claims for damages with the COUNTY pursuant to the applicable sections of the  
5 California Government Code. Said claims were rejected by COUNTY on February  
6 20, 2024.

7 **FACTS COMMON TO ALL CLAIMS FOR RELIEF**

8 17. Plaintiffs repeat and re-allege each and every allegation in the  
9 foregoing paragraphs of this Complaint with the same force and effect as if fully set  
10 forth herein.

11 18. This incident occurred on June 30, 2023. On that date, DECEDENT  
12 was experiencing emotional distress or a mental health crisis, potentially in part due  
13 to a medical condition. At that time, DECEDENT lived with his family, including  
14 PLAINTIFFS, at their home in Fresno, California.

15 19. On the afternoon of the incident, DECEDENT left the family home.

16 20. At approximately 4:00 p.m. on June 30, 2023, deputies employed by  
17 the Fresno County Sheriff's Department located DECEDENT at a Valero gas  
18 station, at or near 525 S. Clovis Avenue, Fresno, California, 93737.

19 21. On information and belief, the DEPUTY DEFENDANTS, including  
20 Defendant JEROD NORTH, knew or should have known that DECEDENT was  
21 experiencing a mental health or medical emergency when they responded to the gas  
22 station.

23 22. ~~The responding DEPUTY DEFENDANTS~~ Defendant JEROD NORTH  
24 approached DECEDENT and used lethal force against him. At all relevant times,  
25 DECEDENT did not pose an immediate threat of death or serious bodily injury to  
26 any person, including the deputies. ~~The DEPUTY DEFENDANTS'~~ Defendant  
27 JEROD NORTH'S use of deadly force was therefore excessive and unreasonable.

1       23. On information and belief, the DEPUTY DEFENDANTS, including  
2 Defendant JEROD NORTH failed to give a warning to DECEDENT that they were  
3 going to use deadly force prior to using deadly force, despite it being feasible to do  
4 so.

5       24. Even though DEPUTY DEFENDANTS, including Defendant JEROD  
6 NORTH were not faced with an immediate threat of death or serious bodily injury  
7 and had less than lethal alternatives available to subdue DECEDENT and to take  
8 DECEDENT into custody, DEPUTY DEFENDANTS, including Defendant JEROD  
9 NORTH did not use, let alone exhaust these alternatives.

10       25. Despite DECEDENT showing obvious signs of mental distress, on  
11 information and belief, no mental health workers or medical professionals  
12 responded to the scene prior to the use of deadly force, and DEPUTY  
13 DEFENDANTS, including Defendant JEROD NORTH did not wait until a mental  
14 health or medical team could arrive to the scene.

15       26. On information and belief, despite having knowledge that DECEDENT  
16 was seriously injured by ~~DEPUTY DEFENDANTS~~ Defendant JEROD NORTH'S  
17 use of deadly force, DEPUTY DEFENDANTS failed to timely summon medical  
18 care or permit medical personnel to treat DECEDENT. The delay of medical care to  
19 DECEDENT was a contributing cause of DECEDENT's harm, injury, pain and  
20 suffering, and ultimate death.

21       27. DECEDENT sustained gunshot wounds to his body. DECEDENT died  
22 as a result of those injuries.

23       28. Plaintiff AMALIA DEEL is DECEDENT's successor-in-interest as  
24 defined in Section 377.11 of the California Code of Civil Procedure and succeeds to  
25 DECEDENT's interest in this action as the mother of DECEDENT.

1 29. Plaintiff MICHAEL DEEL is DECEDENT's successor-in-interest as  
2 defined in Section 377.11 of the California Code of Civil Procedure and succeeds to  
3 DECEDENT's interest in this action as the father of DECEDENT.

4  
5 **FIRST CLAIM FOR RELIEF**

6 **Fourth Amendment —Excessive Force (42 U.S.C. § 1983)**

7 (All Plaintiffs against ~~DEPUTY DEFENDANTS~~ Defendant JEROD NORTH and  
8 DOES 1-7, inclusive "DEPUTY DEFENDANTS")

9 30. Plaintiffs repeat and re-allege each and every allegation in the  
10 foregoing paragraphs of this Complaint with the same force and effect as if fully set  
11 forth herein.

12 31. On the afternoon of June 30, 2023, DECEDENT left his family home  
13 in Fresno, California, to a gas station, about a half of a mile away.

14 32. At approximately 4:00 p.m. on June 30, 2023, deputies employed by  
15 the Fresno County Sheriff's Department located DECEDENT at a Valero gas  
16 station, at or near 525 S. Clovis Avenue, Fresno, California, 93737.

17 33. The responding DEPUTY DEFENDANTS approached DECEDENT  
18 and Defendant JEROD NORTH used lethal force against him. At all relevant times,  
19 DECEDENT did not pose an immediate threat of death or serious bodily injury to  
20 any person, including the deputies. The ~~DEPUTY DEFENDANTS'~~ Defendant  
JEROD NORTH'S use of deadly force was therefore excessive and unreasonable.

21 34. On information and belief, the DEPUTY DEFENDANTS failed to give  
22 a warning to DECEDENT that they were going to use deadly force prior to using  
23 deadly force, despite it being feasible to do so.

24 35. Even though DEPUTY DEFENDANTS were not faced with an  
25 immediate threat of death or serious bodily injury and had less than lethal  
26 alternatives available to subdue DECEDENT and to take DECEDENT into custody,  
27 on information and belief, DEPUTY DEFENDANTS did not use, let alone exhaust  
28 these alternatives.



1       36. Despite DECEDENT showing obvious signs of mental distress and/or  
2 being in need of medical care, and despite the DEPUTY DEFENDANTS, on  
3 information and belief, having information that DECEDENT could have been  
4 experiencing a medial and/or mental health crisis, no mental health workers or  
5 medical professionals responded to the scene prior to the use of deadly force, and  
6 DEFENDANT DEPUTIES did not wait until a mental health or medical team could  
7 arrive to the scene before they used deadly force.

8       37. DECEDENT sustained gunshot wounds to his body. DECEDENT died  
9 as a result of those injuries.

10       38. While acting under color of state law and in the course and scope of his  
11 their duties as a law enforcement officers for the FCSD, ~~the DEPUTY~~  
12 ~~DEFENDANTS~~ Defendant JEROD NORTH fired multiple shots at DECEDENT,  
13 striking and injuring DECEDENT and ultimately killing him. ~~The DEPUTY~~  
14 ~~DEFENDANTS~~ Defendant JEROD NORTH'S unjustified use of deadly force  
15 deprived DECEDENT of his right to be secure in his person against unreasonable  
16 searches and seizures as guaranteed to DECEDENT under the Fourth Amendment  
17 to the United States Constitution and applied to state actors by the Fourteenth  
18 Amendment.

19       39. At all relevant times, including during all of the shots, DECEDENT  
20 was not armed with a gun at any point during the incident and posed no immediate  
21 threat of death or serious bodily injury to the officers or anyone else around him.  
22 Therefore, the shooting was excessive and unreasonable. There were less than lethal  
23 alternatives to detain or take DECEDENT into custody.

24       40. As a result of the foregoing, DECEDENT suffered great pain up to the  
25 time of his death, loss of enjoyment of life, loss of life, and loss of earning capacity.

26       41. The conduct of DEPUTY DEFENDANTS was willful, wanton,  
27 malicious, and/or done with reckless disregard for the rights and safety of  
28

1 DECEDENT, and therefore warrants the imposition of exemplary and punitive  
2 damages.

3 42. As a result of their misconduct, DEPUTY DEFENDANTS are liable for  
4 DECEDENT's injuries and death.

5 43. Plaintiffs bring this claim as successors-in-interest to the DECEDENT,  
6 and seek survival damages, including pre-death pain and suffering, loss of life, and  
7 loss of enjoyment of life, for the violation of DECEDENT's rights. Plaintiffs also  
8 seeks attorney's fees under this claim.

9 **SECOND CLAIM FOR RELIEF**

10 **Fourth Amendment —Denial of Medical Care (42 U.S.C. § 1983)**

11 (All Plaintiffs against JEROD NORTH and DOES 1-7, inclusive "DEPUTY  
12 DEFENDANTS")

13 44. Plaintiffs repeat and re-allege each and every allegation in the foregoing  
14 paragraphs of this Complaint with the same force and effect as if fully set forth  
15 herein.

16 45. On information and belief, DEPUTY DEFENDANTS knew or should  
17 have known that DECEDENT may have been experiencing a medical and/or mental  
18 health crisis.

19 46. Instead of responding to this call as a mental health or medical  
20 emergency, DEPUTY DEFENDANTS responded to the call with force and their  
21 conduct and tactics only escalated the situation.

22 47. Despite having information that DECEDENT may have been in need of  
23 mental health and/or medical care, the DEPUTY DEFENDANTS failed to provide  
24 any medical care, instead using unreasonable and excessive lethal force against  
25 DECEDENT.

26 48. Furthermore, after the DEPUTY DEFENDANTS shot DECEDENT  
27 multiple times, DECEDENT was immobile on the ground, alive, bleeding profusely,  
28 and was in obvious and critical need of medical care and treatment.

1       49. On information and belief, DEPUTY DEFENDANTS failed to provide  
2 needed medical care to DECEDENT prior to and after the shooting, failed to timely  
3 summon needed medical care for DECEDENT, prevented medical care personnel  
4 from timely treating DECEDENT, and/or refused to permit medical care personnel to  
5 access and care for DECEDENT at the scene for an appreciable time after the  
6 incident.

7       50. The denial of medical care by DEPUTY DEFENDANTS deprived  
8 DECEDENT of his right to be secure in his person against unreasonable searches and  
9 seizures as guaranteed to DECEDENT under the Fourth Amendment to the United  
10 States Constitution and applied to state actors by the Fourteenth Amendment.

11       51. As a result of the foregoing, DECEDENT suffered great pain and  
12 suffering up to the time of his death, loss of enjoyment of life, loss of life, and loss of  
13 earning capacity.

14       52. DEPUTY DEFENDANTS knew that failure to provide timely medical  
15 treatment to DECEDENT could result in further significant injury, the unnecessary  
16 and wanton infliction of pain, or death, but disregarded that serious medical need,  
17 causing DECEDENT great bodily harm and death.

18       53. The conduct of DEPUTY DEFENDANTS was willful, wanton,  
19 malicious, and/or done with reckless disregard for the rights and safety of  
20 DECEDENT and therefore warrants the imposition of exemplary and punitive  
21 damages as to DEPUTY DEFENDANTS.

22       54. As a result of their misconduct, DEPUTY DEFENDANTS are liable for  
23 DECEDENT'S injuries, either because they were integral participants in the denial of  
24 medical care, and/or because they failed to intervene to prevent these violations.

25       55. Plaintiffs bring this claim as successors-in-interest to the DECEDENT,  
26 and seek survival damages, including pre-death pain and suffering, loss of life, and  
27  
28

1 loss of enjoyment of life for the violation of DECEDENT'S rights. Plaintiffs also  
2 seek attorney's fees under this claim.

3  
4 **THIRD CLAIM FOR RELIEF**

5 **Fourteenth Amendment—Substantive Due Process (42 U.S.C. § 1983)**  
6 (All Plaintiffs against Defendant JEROD NORTH, DOES 1-7, inclusive "DEPUTY  
7 DEFENDANTS")

8  
9 56. Plaintiffs repeat and re-allege each and every allegation in the  
10 foregoing paragraphs of this Complaint with the same force and effect as if fully set  
11 forth herein.

12 57. DEPUTY DEFENDANTS acted under color of state law and within  
13 their course and scope of their employment at all relevant times.

14 58. Plaintiffs AMALIA DEEL and MICHAEL DEEL had a cognizable  
15 interest under the Due Process Clause of the Fourteenth Amendment of the United  
16 States Constitution to be free from state actions that deprive them of life, liberty, or  
17 property in such a manner as to shock the conscience, including but not limited to  
18 unwarranted state interference in their familial relationship with their son,  
19 DECEDENT.

20 59. The aforementioned actions of DEPUTY DEFENDANTS, along with  
21 other undiscovered conduct, shock the conscience, in that they acted with deliberate  
22 indifference to the constitutional rights of Plaintiffs AMALIA DEEL and  
23 MICHAEL DEEL, including by using excessive and unreasonable deadly force  
24 against DECEDENT and by denying him medical care, all of which caused injuries  
25 that resulted in DECEDENT's death, and with purpose to harm unrelated to any  
26 legitimate law enforcement objective. DEPUTY DEFENDANTS are liable to  
27 Plaintiffs for the interference with their familial relationship.

28 60. As a direct and proximate result of these actions, DECEDENT  
experienced pain and suffering and eventually died. DEPUTY DEFENDANTS thus  
violated the substantive due process rights of Plaintiffs AMALIA DEEL and

1 MICHAEL DEEL to be free from unwarranted interference with their familial  
2 relationship with DECEDENT.

3 61. As a direct and proximate cause of the acts of DEPUTY  
4 DEFENDANTS, Plaintiffs AMALIA DEEL and MICHAEL DEEL suffered  
5 emotional distress, mental anguish, and pain. Plaintiffs AMALIA DEEL and  
6 MICHAEL DEEL have also been deprived of the life-long love, companionship,  
7 comfort, support, society, care, and sustenance of DECEDENT, and will continue to  
8 be so deprived for the remainder of their natural lives.

9 62. The conduct of DEPUTY DEFENDANTS was willful, wanton,  
10 malicious, and/or done with reckless disregard for the rights and safety of  
11 DECEDENT and Plaintiffs AMALIA DEEL and MICHAEL DEEL and therefore  
12 warrants the imposition of exemplary and punitive damages as to DEPUTY  
13 DEFENDANTS.

14 63. Plaintiffs AMALIA DEEL and MICHAEL DEEL bring this claim  
15 individually for the interference with their relationship with their son, DECEDENT,  
16 and seek wrongful death damages for the violation of Plaintiffs AMALIA DEEL  
17 and MICHAEL DEEL's rights. Plaintiffs also seek attorney's fees under this claim.

18  
19 **FOURTH CLAIM FOR RELIEF**  
20 **Americans With Disabilities Act (42 U.S.C. § 12132)**  
21 **(All Plaintiffs Against All Defendants)**

22 64. Plaintiffs repeat and re-allege each and every allegation in the  
23 foregoing paragraphs of this Complaint with the same force and effect as if fully set  
24 forth herein.

25 65. DECEDENT was a "qualified individual," with Huntington's Disease  
26 and Type 1 Diabetes, which substantially limited his ability to care for himself and  
27 control his physical and mental health condition as defined under the Americans  
28 with Disabilities Act ("ADA"), 42 U.S.C. § 12132(2).

1       66. The COUNTY is a covered entity for purposes of enforcement of the  
2 ADA, 42 U.S.C. § 12132(2), as explained by the regulations under these laws.

3       67. Under the ADA, the COUNTY is mandated to develop effective  
4 procedures for interactions with individuals with Huntington's Disease and Type 1  
5 Diabetes and to ensure the protection of their personal and civil rights.

6       68. Congress enacted the ADA with the finding that individuals with  
7 disabilities have been isolated and segregated, constituting a form of discrimination  
8 that is a pervasive social problem. 42 U.S.C. § 12101 (a)(2).

9       69. The COUNTY is mandated under the ADA not to discriminate against  
10 any qualified individual on the basis of disability in any services or facilities. 42  
11 U.S.C. § 12182(a).

12       70. The COUNTY and DOES 1-10 violated the ADA by: (1) failing to  
13 properly train its deputies to respond to and interact peacefully with individuals with  
14 mental and physical impairments, including Huntington's Disease and Type 1  
15 Diabetes, such as DECEDENT; and (2) failing to follow procedures for de-  
16 escalation and non-lethal force interactions with DECEDENT, who was experiencing  
17 a medical and/or mental health crisis.

18       71. As a result of the acts and omissions of the Defendants, DECEDENT  
19 suffered damages, including loss of life and pain and suffering.

20       72. Plaintiff brings this claim individually and as successor-in-interest to  
21 DECEDENT, and seeks both survival and wrongful death damages. Plaintiff also  
22 seeks reasonable attorneys' fees and costs under this claim.

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**FIFTH CLAIM FOR RELIEF**

**Battery**

(By Plaintiffs against all Defendants)

73. Plaintiffs repeat and re-allege each and every allegation in the foregoing paragraphs of this Complaint with the same force and effect as if fully set forth herein.

74. DEPUTY DEFENDANTS, including Defendant JEROD NORTH, while working as law enforcement officers for the FCSD, and acting within the course and scope of their duties, intentionally shot DECEDENT multiple times and used unreasonable and excessive force against him. As a result of the actions of DEPUTY DEFENDANTS, including Defendant JEROD NORTH, DECEDENT ultimately died from his injuries. DEPUTY DEFENDANTS, including Defendant JEROD NORTH had no legal justification for using force against DECEDENT, and their use of deadly force while carrying out their duties as sheriff's deputies was an unreasonable and non-privileged use of deadly force.

75. As a direct and proximate result of the conduct of DEPUTY DEFENDANTS as alleged above, DECEDENT sustained injuries, experienced pain and suffering, died from his injuries and also lost his earning capacity. Also as a direct and proximate result of Defendants' conduct as alleged above, Plaintiffs AMALIA DEEL and MICHAEL DEEL suffered emotional distress and mental anguish. Plaintiffs AMALIA DEEL and MICHAEL DEEL also have been deprived of the life-long love, companionship, comfort, support, society, care and sustenance of DECEDENT, and will continue to be so deprived for the remainder of their natural lives.

76. COUNTY is vicariously liable for the wrongful acts of DEPUTY DEFENDANTS pursuant to section 815.2(a) of the California Government Code, which provides that a public entity is liable for the injuries caused by its employees

1 within the scope of the employment if the employee's act would subject him or her  
2 to liability.

3 77. The conduct of DEPUTY DEFENDANTS was malicious, wanton,  
4 oppressive, and/or accomplished with a conscious disregard for the rights of  
5 DECEDENT, entitling Plaintiffs, as successors-in-interest to DECEDENT, to an  
6 award of exemplary and punitive damages as to DEPUTY DEFENDANTS.

7 78. Plaintiffs bring this claim individually and as successors-in-interest to  
8 DECEDENT. Plaintiffs seek survival damages, including pain and suffering, and  
9 wrongful death damages under this claim.

10  
11 **SIXTH CLAIM FOR RELIEF**

12 **Negligence**

13 (Plaintiffs against all Defendants)

14 79. Plaintiffs repeat and re-allege each and every allegation in the  
15 foregoing paragraphs of this Complaint with the same force and effect as if fully set  
16 forth herein.

17 80. Law enforcement officers, including DEPUTY DEFENDANTS have a  
18 duty to use reasonable care to prevent harm or injury to others. This duty includes  
19 using appropriate tactics, giving appropriate commands, giving warnings, and not  
20 using any force unless necessary, using less than lethal options, and only using  
21 deadly force as a last resort.

22 81. DEPUTY DEFENDANTS breached this duty of care. Upon  
23 information and belief, the actions and inactions of DEPUTY DEFENDANTS were  
24 negligent and reckless, including but not limited to:

- 25 (a) the failure to properly and adequately assess the need to use  
26 deadly force against DECEDENT;  
27 (b) the negligent tactics and handling of the situation with  
28 DECEDENT, including pre-shooting negligence;



- (c) the negligent use of deadly force against DECEDENT, who was experiencing a physical health and/or mental health crisis/distress;
- (d) the failure to provide prompt medical care to DECEDENT;
- (e) the failure to properly train and supervise DEPUTY DEFENDANTS with respect to the use of deadly force;
- (f) the failure to ensure that adequate numbers of employees with appropriate education and training were available to meet the needs of and protect the rights of DECEDENT;
- (g) the negligent handling of evidence and witnesses;
- (h) the negligent communication of information during the incident; and
- (i) the failure to provide appropriate responses to obvious mental health crisis calls.

82. As a direct and proximate result of Defendants' conduct as alleged above, and other undiscovered negligent conduct, DECEDENT experienced pain and suffering ultimately died. Also as a direct and proximate result of Defendants' conduct as alleged above, Plaintiffs AMALIA DEEL and MICHAEL DEEL suffered emotional distress and mental anguish. Plaintiffs AMALIA DEEL and MICHAEL DEEL also have been deprived of the life-long love, companionship, comfort, support, society, care and sustenance of DECEDENT, and will continue to be so deprived for the remainder of their natural lives.

83. COUNTY is vicariously liable for the wrongful acts of DEPUTY DEFENDANTS pursuant to section 815.2(a) of the California Government Code, which provides that a public entity is liable for the injuries caused by its employees within the scope of the employment if the employee's act would subject him or her to liability.

1 84. Plaintiffs bring this claim individually and as successors-in-interest to  
2 DECEDENT. Plaintiffs seeks survival damages, including pain and suffering, and  
3 wrongful death damages under this claim.

4  
5 **SEVENTH CLAIM FOR RELIEF**  
6 **Violation of Cal. Civil Code § 52.1**  
7 (By Plaintiffs against all Defendants)

8 85. Plaintiffs repeat and re-allege each and every allegation in the  
9 foregoing paragraphs of this Complaint with the same force and effect as if fully set  
10 forth herein.

11 86. California Civil Code, Section 52.1 (the Bane Act), prohibits any  
12 person from using violent acts or threatening to commit violent acts against another  
13 person for exercising that person's constitutional rights, which can be shown by a  
14 reckless disregard for that person's civil rights.

15 87. On information and belief, DEPUTY DEFENDANTS, while working  
16 for the COUNTY and acting within the course and scope of their duties,  
17 intentionally committed and attempted to commit acts of violence against  
18 DECEDENT or acted in reckless disregard of DECEDENT's civil rights, including  
19 by fatally shooting him without justification or excuse, and by denying him  
20 necessary medical care, to prevent him from exercising his right or to retaliate  
21 against him for having exercised his rights.

22 88. When ~~DEPUTY DEFENDANTS~~ Defendant JEROD NORTH shot  
23 DECEDENT numerous times, and when DOES 1-10, either by integrally  
24 participating in the shooting or by failing to intervene, these officers deliberately  
25 subjected DECEDENT to excessive force that was beyond what was necessary and  
26 coercively interfered with his civil rights to be free from unreasonable searches and  
27 seizures, to due process, to equal protection of the laws, to medical care, to be free  
28 from state actions that shock the conscience, and to life, liberty, and property.

1       89. On information and belief, Defendants specifically intended to violate  
2 DECEDENT's constitutional rights as stated above, as demonstrated by DEPUTY  
3 DEFENDANTS' reckless disregard for DECEDENT's constitutional rights to be  
4 free from excessive force and denial of medical care, which he was fully entitled to  
5 enjoy. Thus, Plaintiffs can recover for violation of the Bane Act as successors-in-  
6 interest to DECEDENT. *See Reese v. County of Sacramento*, 888 F.3d 1030, 1040-  
7 45 (2018).

8       90. On information and belief, DECEDENT reasonably believed and  
9 understood that the violent acts committed by DEPUTY DEFENDANTS, inclusive,  
10 were intended to coercively interfere with DECEDENT's civil rights, to discourage  
11 him from exercising the above civil rights or to prevent him from exercising such  
12 rights.

13       91. Defendants successfully interfered with the above civil rights of  
14 DECEDENT.

15       92. The conduct of Defendants was a substantial factor in causing  
16 DECEDENT's harms, losses, injuries, and damages.

17       93. Defendants DOES 8-10 are vicariously liable under California law and  
18 the doctrine of *respondeat superior*.

19       94. COUNTY is vicariously liable for the wrongful acts of DEPUTY  
20 DEFENDANTS and Defendants DOES 8-10, inclusive pursuant to section 815.2(a)  
21 of the California Government Code, which provides that a public entity is liable for  
22 the injuries caused by its employees within the scope of the employment if the  
23 employee's act would subject him or her to liability.

24       95. The conduct of Defendants was malicious, wanton, oppressive, and/or  
25 accomplished with a conscious disregard for DECEDENT's rights, justifying an  
26 award of exemplary and punitive damages as to DEPUTY DEFENDANTS.

1 96. Plaintiffs bring this claim as successors-in-interest to DECEDENT and  
2 seek survival damages, including emotional distress, loss of life, and loss of  
3 enjoyment of life under this claim. Plaintiffs also seek treble damages, attorney's  
4 fees, and costs under this claim.

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8 **PRAYER FOR RELIEF**

9 WHEREFORE, Plaintiffs AMALIA DEEL and MICHAEL DEEL,  
10 individually and as successors-in-interest to TYLER DEEL, requests entry of  
11 judgment in their favor and against Defendants COUNTY OF FRESNO, JEROD  
12 NORTH, and DOES 1-10, inclusive, as follows:

- 13 A. For compensatory damages, including both survival damages including  
14 pre-death pain and suffering, loss of life, and loss of enjoyment of life;  
15 and wrongful death damages including loss of love, comfort, and  
16 society under federal and state law, in an amount to be proven at trial;  
17 B. For funeral and burial expenses, and loss of financial support;  
18 C. For punitive damages against the individual defendants in an amount to  
19 be proven at trial;  
20 D. For statutory damages;  
21 E. For treble damages pursuant to California Civil Code Sections 52, 52.1;  
22 F. For interest;  
23 G. For reasonable attorneys' fees, including litigation expenses;  
24 H. For costs of suit; and  
25 I. For such further other relief as the Court may deem just, proper, and  
26 appropriate.

1 DATED: ~~January 22, 2025~~January 15, 2025 LAW OFFICES OF DALE K. GALIPO  
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4 By



5  
6 Dale K. Galipo  
7 ~~Shannon J. Leap~~ Eric Valenzuela  
8 Attorneys for Plaintiffs

9 **DEMAND FOR JURY TRIAL**

10 Plaintiffs hereby demand a trial by jury.

11 DATED: ~~January 22, 2025~~January 15, 2025 LAW OFFICES OF DALE K. GALIPO  
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13  
14 By



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17 Dale K. Galipo  
18 Attorneys for Plaintiffs  
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